

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DAVID LORENZA JOYNER, #1230707 §
 §
VS. § CIVIL ACTION NO. G-06-728
 §
THOMAS A. DAVIS, JR., ET AL. §

OPINION AND ORDER

Before the Court is a Report and Recommendation from the United States Magistrate Judge dated December 11, 2006, which recommends that the Motion of Plaintiff, David Lorenza Joyner, to voluntarily dismiss all federal claims asserted by him against the Defendants in this cause be denied. The December 29, 2006, deadline set by the Magistrate Judge for the filing of objections to the Report and Recommendation has now passed and no parties have filed any objections.

This Court, upon *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(C), finds that there is no clear error on the face of the record and that the Report and Recommendation of the Magistrate Judge is a fair and well-reasoned application of law to the present circumstances of this removed cause of action; therefore, the Report and Recommendation of the Magistrate Judge is **ACCEPTED** by this Court and incorporated by reference herein.

It is, therefore, **ORDERED** that the Motion (Instrument no. 4) of Joyner to voluntarily dismiss all of his federal question claims against the named Defendants and to remand this action to the state court from which it was removed is **DENIED**.

It is further **ORDERED** that this cause is **RETURNED** to the docket of the Magistrate Judge for all further pretrial proceedings.

DONE at Galveston, Texas, this 12th day of January, 2007.



Samuel B. Kent
United States District Judge